

(iii) by striking “either or both of”; and
 (B) in paragraphs (1) and (2), by striking “that the contract defines” and inserting “that subsection (b) or the contract defines”;
 (2) by redesignating subsections (b), (c), and (d) as subsections (c), (f), and (g), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

“(b) For purposes of subsection (a), risk of burning, explosion, detonation, flight or surface impact, or toxic or hazardous material release, associated with the following shall be considered unusually hazardous:

“(1) Any hypersonic weapon system, including boost glide vehicles and air-breathing propulsion systems.

“(2) Rocket propulsions systems, including rockets, missiles, launch vehicles, rocket engines or motors, or hypersonic weapons systems using a solid or liquid high-energy propellant, including any warhead in excess of 1000 pounds of the chemical equivalent of TNT.

“(3) Introduction, fielding, or incorporating any item containing high-energy propellants, including any warhead in excess of 1000 pounds of the chemical equivalent of TNT introduced, fielded, or incorporated into any ship, vessel, submarine, aircraft, or spacecraft.

“(4) A classified program for which insurance is not available as a result of the prohibition on disclosure of classified information to commercial insurance providers.”;

(4) by inserting after subsection (c), as redesignated by paragraph (2), the following new subsections (d) and (e):

“(d) For each contract made under subsection (a) that provides for indemnification, the Secretary that approved the contract shall determine the maximum probable loss for claims under paragraph (1) of that subsection or losses or damage under paragraph (2) of that subsection, as applicable.

“(e)(1) A contractor that is a party to a contract made under subsection (a) that provides for indemnification shall obtain liability insurance to compensate for claims under paragraph (1) of that subsection and losses or damage under paragraph (2) of that subsection, as applicable, in amounts and to the extent such insurance is available under commercially reasonable terms and pricing, including any limits, sub-limits, exclusions, and other coverage restrictions.

“(2) A contractor described in paragraph (1) is not required to obtain insurance in amounts greater than the lesser of—

“(A) the amount available under commercially reasonable terms and pricing; or

“(B) the maximum probable loss determined under subsection (d).”;

(5) in subsection (f), as so redesignated, by inserting “the Secretary of Defense,” before “the Secretary”; and

(6) in subsection (g), as so redesignated—

(A) in the matter preceding paragraph (1), by inserting “the Secretary of Defense,” before “the Secretary”; and

(B) in paragraph (2), by striking “for research or development, or both,”.

SA 4146. Mr. TUBERVILLE (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, insert the following:

SEC. 1424. COMPTROLLER GENERAL ASSESSMENT OF DOMESTIC TITANIUM ORE MINING AND DOMESTIC PRODUCTION OF TITANIUM METAL.

(a) IN GENERAL.—Not later than June 1, 2022, the Comptroller General of the United States shall submit to the congressional defense committees an assessment of—

(1) the current state of United States domestic titanium ore mining and domestic production of titanium metal; and

(2) its implications for the supply chains of the Department of Defense.

(b) ELEMENTS.—The assessment required by subsection (a) shall include—

(1) a comparison of how much titanium metal is required annually by the Department of Defense and how much titanium ore and titanium metal is available from the United States domestic supply chains;

(2) an assessment of the reliability of titanium producers outside the United States during national defense emergency scenarios; and

(3) any other matters the Comptroller General considers appropriate to include.

SA 4147. Mr. LANKFORD (for himself, Ms. SINEMA, Mr. LEE, Mr. ROMNEY, Mr. CORNYN, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 576. LIMITATION ON APPOINTMENT OF RETIRED MEMBERS OF THE ARMED FORCES TO CERTAIN POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 3326 of title 5, United States Code, is amended—

(1) in the section heading, by inserting “CERTAIN” before “POSITIONS”; and

(2) in subsection (b)—

(A) by striking “appointed” and all that follows through “Defense” and inserting “appointed to a position in the excepted or competitive service classified at or above GS-14 of the General Schedule (or equivalent) in or under the Department of Defense”; and

(B) in paragraph (1), by striking “for the purpose” and all that follows through “Management”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 33 of such title is amended in the item relating to section 3326 by inserting “certain” before “positions”.

SA 4148. Mrs. FEINSTEIN (for herself, Mr. MARSHALL, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. NATIONAL COMMISSION ON THE COVID-19 PANDEMIC.

(a) SHORT TITLE; SENSE OF CONGRESS.—

(1) SHORT TITLE.—This section may be cited as the “National Commission on the COVID-19 Pandemic Act”.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the SARS-CoV-2 (COVID-19) pandemic has caused immense suffering in the United States, having resulted in more than 736,000 American deaths as of October 2021, and infecting at least 45,000,000;

(B) following other destructive and traumatic events in our history, including the September 11, 2001, terrorist attacks, Congress has established a bipartisan commission of experts to study the event and produce a report and recommendations, and such an exercise can assist in national healing;

(C) the extent of the loss of life and the economic cost of the pandemic demonstrate the high risks that pandemic diseases can pose to public health and to national security, and demands a thorough, authoritative, and independent review of the origin of SARS-CoV-2 as well as United States actions and policies before and during the pandemic, and recommendations to Congress and policymakers as to how we can be better prepared for future pandemic diseases, including those that could be caused by intentional biological attacks;

(D) individuals appointed to the Commission established in subsection (b) should be prominent citizens of the United States with national recognition and significant experience and expertise in—

- (i) public health and biosafety;
- (ii) epidemiology;
- (iii) medicine;
- (iv) emergency management or response;
- (v) public administration;
- (vi) logistics;
- (vii) organizational management; or
- (viii) medical intelligence and forensic investigations; and

(E) it is crucial to better understand and manage the increasing likelihood of pandemic threats (such as the recent threats of severe acute respiratory syndrome (SARS), Ebola, the 2009-H1N1 influenza, and COVID-19) and related health issues that the United States could face during the next several decades.

(b) COMMISSION ON THE COVID-19 PANDEMIC.—

(1) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch the National Commission on the COVID-19 Pandemic (in this section referred to as the “Commission”).

(2) DUTIES.—The Commission shall—

(A) in accordance with paragraph (4), conduct an investigation of all relevant facts and circumstances regarding the novel coronavirus disease 2019 (in this section referred to as “COVID-19”) in order to make a full and complete accounting of—

(i) the preparedness of the United States for pandemic disease before the outbreak of COVID-19;

(ii) the circumstances surrounding the initial outbreak and spread of COVID-19; and

(iii) the actions taken by the Federal Government, State, local, and Tribal governments, including with respect to the private sector, civil society, and relevant international organizations (including the World Health Organization) in response to COVID-19;

(B) identify and examine lessons learned regarding pandemic preparedness, response,